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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,326	03/10/2004	YuRi Yang	CS0104AK	4268
20280	7590	12/11/2007		
MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER NGUYEN, TUAN DUC	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 12/11/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.LIBERTYVILLE@MOTOROLA.COM  
ADB035@Motorola.com

**Office Action Summary**

Application No.

10/797,326

Applicant(s)

YANG ET AL.

Examiner

Tuan D. Nguyen

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/23/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 11-18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's cited reference US 20020193137 (Bank et al).

Regarding claims 1, 13, 17 Bank et al discloses a closeable radio communications device comprising: a housing having at least two portions (12, 13) movably mounted to each other to allow relative movement of the portions between a closed position and an opened position; at least one spacing projection on at least one of the two portions, the spacing projection being configured such that when the housing is in the closed position an acoustic chamber (16) is formed by at least an inner surface of the projection and facing surfaces of the respective portions; and a speaker (24) in operative communication with the acoustic chamber.

Regarding claims 2 and 14, Bank et al also shows wherein the projection provides an enclosing wall for both facing surfaces when the housing is in the closed position (see figure 2)

Regarding claims 3 and 15, Bank et al also shows wherein the projection forms continuous rim (see figure 2)

Regarding claims 4 and 16, Bank et al further discloses wherein the projection has resilient properties (0025, 0029).

Regarding claim 11, Bank et al also shows wherein the two portions are pivotally mounted to each other (see figures 2 and 3b)

Regarding claims 12 and 23, Bank et al discloses wherein the speaker is an alert speaker for providing an alert associated with an incoming call (# 0009, #0025).

Regarding claim 18, Bank et al also discloses wherein the projection is a flange (32).

3. Claims 1, 5-8, 13, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's cited reference JP 62024749 (Yabe).

Regarding claims 1 and 13, Yabe discloses a closeable radio communications device comprising: a housing having at least two portions (2,1A) movably mounted to each other to allow relative movement of the portions between a closed position and an opened position; at least one spacing projection on at least one of the two portions, the spacing projection being configured such that when the housing is in the closed position an acoustic chamber (14,16 a cavity) is formed by at least an inner surface of the projection and facing surfaces of the respective

portions; and a speaker (10) in operative communication with the acoustic chamber.

Regarding claims 5, 8 and 19, Yabe also shows wherein there is at least one aperture in communication with the chamber for allowing audible signals to be emitted from the chamber to an outside the housing and wherein least one of the facing surfaces has a chamber exit aperture therein for allowing audible signals to be emitted from the chamber and outside of the housing (see figures 1 and 2)

Regarding claims 6 and 7, Yabe further shows wherein least one of the facing surfaces has a chamber exit aperture therein for allowing audible signals to be emitted from the chamber and outside of the housing and wherein there is a further aperture in communication with the chamber exit aperture through a void in one of the portions (see figure 1).

4. Claims 1, 9, 10, 13, 12, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's cited reference US 6035211 (Rabe et al).

Regarding claims 1, 13, Rabe et al discloses a closeable radio communications device comprising: a housing having at least two portions (12,16) movably mounted to each other to allow relative movement of the portions between a closed position and an opened position; at least one spacing projection on at least one of the two portions, the spacing

projection being configured such that when the housing is in the closed position an acoustic chamber (20) is formed by at least an inner surface of the projection and facing surfaces of the respective portions; and a speaker (18) in operative communication with the acoustic chamber.

Regarding claims 9 and 20, Rabe et al wherein the closeable radio communications device includes a housing position detector coupled to a processor mounted in the housing (see figures 3 and 5)

Regarding claims 10 and 21, Rabe et al also discloses wherein the processor provides volume control for the speaker to increase the audio signal output of the speaker when the portions are in the closed position and reduced the audio signal output of the speaker when the portions are in the opened position (see figures 3 and 5).

Regarding claim 22, Rabe et al shows wherein the two portions are pivotally mounted to each other (see figures 1 and 2)

Regarding claims 12 and 23, Rabe et al discloses wherein the speaker is an alert speaker for providing an alert associated with an incoming call (column 2 lines 50-67 and column 3 lines 1-25).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone

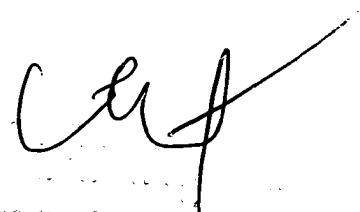
number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TDN  
11/29/07

A handwritten signature in black ink, appearing to be 'C. Kuntz', is located in the bottom right corner of the page.